

Applicant: Carl J. Conforti  
Serial No.: 10/796,438

REMARKS

Applicant respectfully submits the revised amendments to the claims based on the mailed office action dated 9/19/07 with a 30 day response time without prejudice and without adding new matter to the specifications as filed. Claims 1-6 and 13-17 have been cancelled , 23 – 30 are new. The Amendments were made to the claims and remarks noted for the Examiner's review. The applicant feels the amendments have addressed the issues cited in the election restriction requirements and the applicant will file a continuation application for the other species filed in the original application. The new claims are directed to overcome the references cited for the following reasons mentioned in this response.

The claims have been amended to further recite restrictions of a single component apparatus that may be disposed as a unit and clearly indicates within the application a one piece body formed with a receptacle and self sealing apparatus to hold articles that produce odor. The claims have also been amended to recite an apparatus with a single body disposable unitary design. A dependent claim has also been written to specifically state the invention utilizes a material that self sticks to itself on the inside portion of the receiving end, and the bag is configured to contain solid matter, where reference cited was specific to liquid matter. The dependent claims recited the biodegradable materials that can be disposed of and made of environmentally friendly materials. In the specification page 12 line 6 and page 14 line 6, make note of the "cellulose" or "natural fiber materials" or paper and thin layer of environmentally friendly plastic and or combination thereof as noted within the specification.

US Patent reference 5 116,139 Young, fails to teach or illustrate the new amended claims; Fig 4 illustrate stiffeners 54 , 56 to keep the bag opening rigid, which may be acceptable for fluids , but not advantageous for a mass or solid to pass through the opening. Young also defines "a funnel comprising a pair of opposed sheets sealed at the seams, or may be formed of a single sheet, but does not illustrate or define a process or method the funnel is formed as a uniform body with the chamber or bag, folded to make a single component or apparatus that is disposable and or even environmentally friendly as shown in the applicants specification and figures.

The fluid container bag was designed for fluid passing through the bag, and does not offer the advantage or storing articles such as food and like solid mass. One may consider making the bag

in a single piece, and the funnel in a single component and stiffener applied to the described bag, but the specification and drawings does not teach a one piece disposable odor containment bag as referenced in the 5 116, 139 invention.

The applicant also has added to the claims structure of the proposed invention a bag material that adheres to itself having at least one wall or side of the bag or opening with a self adhering property to seal out odors. The applicant would also like to reference his invention, a bag constructed with a receiving end passing through a portion of the body, a first storage area within the body and a final chamber to store odor producing articles of both solid and liquid matter comprising a self sealing material.

US Patent Reference 6,116,780 Young, fails to teach or illustrate the applicant's amended claims; Fig. 3 illustrates a 28 flutter valve, but the flutter valve itself is a component of the system, and Fig. 1- 6 clearly indicates the bag, and funnel as individual components that require additional cost of materials and assembly. The chamber as presented in the drawings may be functional for fluids, but when a solid matter passes through the valve and the valve is open, only with a single component to seal odors, the odors will escape the chamber or may be present in the chamber and escape to the external environment without a secondary seal or having the capacity to accept articles of substantial size or geometric shape, other than liquids. Although the valve may provide a solution for liquid waste, the valve clearly does not block odors if solid matter is disposed into the system.

Other disadvantages of the assembly and fit between the components (i.e. valve, bag, and funnel) of the referenced patent may permeate odors, where the present invention illustrates a single sealed design that allows the end user to dispose of the entire system or bag with minimum risk of the contents reaching the outside environment. The applicant references two sides of a second taper funnel (see Fig 276) having advantage of allowing articles to pass through the apparatus and seal the articles within the chamber of the bag. The specification does not recite static self sticking or sealing material, nor does the specification have a secondary seal for the system.

The applicant has reviewed other cited references provided by the examiner and would like to add to the remarks that complex multiple component designs are illustrated in the drawings specifications and figures to provide an odor containment system. The US Patent 5,852,830, a portable urinal device, does not contain the odor when the device is open in use, and does not provide a means to dispose of solid waste matter. The US Patent 5, 745,926 also provides a

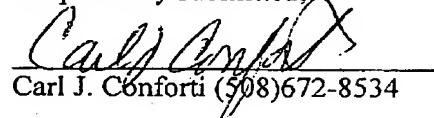
device for disposing liquid waste, and is made of multiple components, does not teach or illustrate a single component design that is environmentally friendly or had the ability to store rigid or semi rigid articles other than fluids.

The applicant feels the proposed invention has benefits over the referenced patent and requests the claims to be allowed in view of the above remarks. Elect species 20a-20c and 16a are a variations of one another referenced comprising a bag in a resting and receiving position with a self sealing feature. The applicant's invention is cost effective, self contained solution to odor containment. There are other solutions that don't offer solid matter containment, have multiple components, risk of the assembly failing, and or a need to place non environmentally friendly matter in our landfills. The applicant makes note there is no solution for an environmentally friendly system that will be more advantageous in today's market.

The applicant respectfully requests the Examiner's assistance in supporting the applicant if there is anything in the specification or drawings that may further support allowable claims. The applicant requests the examiner to assist the applicant in reviewing this response and the specification to revise the claims for an examiner's amendment allowable claim. The applicant reserves the right for a divisional application based on the multiple species noted in the original filed application.

Based on the foregoing, this application is believed to be in allowable condition, and a notice to that effect is respectfully requested.

Respectfully submitted,

  
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